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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/732,738

12/10/2003

Peter S. Ellis

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EXAMINER

RENDON, CHRISTIAN E

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

05/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/732,738	ELLIS, PETER S.	
	Examiner	Art Unit	
	Christian E. Rendón	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/24/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 11 and 20 are objected to because of the following informalities: self-self. Appropriate correction is required. The Office is currently view "self-self" as a miss-type of "self-service".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 defines the electronic betting card as having two clearly defined modes. The first mode operates in a closed loop without involvement of a 3rd party financial institution and the second mode operates in a 3rd party financial network. Claim 2 introduces a financial instrument that allows a player to place wagers and the gambling establishment to have access to the player's financial information. Therefore the limitations set forth by claim 2 has created a contradictory relationship in the limitations of the betting cards first and second mode. The Office would also like a clarification on the relationship of the 'patron betting card' and the 'patron personal financial instrument.' Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3714

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Donald et al. (WO 01/63439 A1).

3. Donald discloses a smart card system for use in gambling establishments like a casino or an Internet website that offer betting opportunities on horse races, poker and other type of wagering games (pg. 1, lines 21-24). Placing bets at a wagering window on horse races are accomplished through a pari-mutuel system therefore the prior art inherently incorporates a pari-mutuel system. The system created by Donald is built under the philosophy of the player's financial information and other banking details remaining anonymous to the casino (pg. 8, lines 8-9). In other words, it is undesirable to have "an open line of communication between the gambling venue and the financial institution" (pg. 10, lines 7-8). Therefore the system has the ability of performing a credit or accruing a cash prize and a debit or deducting a wager on a player's balance on the smart card in a closed loop network without involving a 3rd party financial institution.

4. A player places a balance on the smart card through an institution that has the authority to handle Electronic Funds Transfer at Point of Sale (EFTPOS or EFT), Internet banking transaction, credit/debit card transaction or cash payments (pg. 9, lines 26-27). In order for a person to place or remove money into any account an identification process must be completed first. There are many different ways to identify a person, one common process is to scan or sweep a debit/credit card, in other words financial instrument offered by a financial institution that has the person's checking

Art Unit: 3714

account and credit card information encoded into the card. The exact financial information that the prior art wants the casinos to be unaware of (pg. 9, lines 28-29) therefore the prior art inherently incorporates a debit/credit card.

5. A person can receives a smart card from a regulating gaming organization or its agent (pg. 8, line17); therefore the prior art inherently incorporates a registration window. The card is encrypted with an identification code (pg. 8, line 19), which establishes the card to a player's purse (pg. 8, 14). Now the player has access to gamble on a poker machine (pg. 1, line 8) or self-service wagering, Internet gambling website (pg. 24, line 20) or Internet wagering, on a gaming system (pg. 8, line 26), through telecommunication lines (pg. 1, line 17) or telephone wagering on a live event or game show on TV (pg. 8, line 14) or the like by swiping the smart card into a card reader (pg. 8, line 24) and providing a PIN (pg. 22, line 10). In order to authenticate a player's identity over the Internet the typed PIN must be compared to a PIN saved in a database found on a central server. Therefore the prior art inherently incorporates a PIN database for validation.

6. When the player is logged onto the system, several checks are performed before allowing the person a chance to play. One of these checks is a confirmation that the person is not in a database or list of players who are banned by the courts, regulatory body or self-inclusion (pg. 7, lines 8-10) from gambling. Once all the checks are validated a player can begin to gamble and all "winnings stored on the card are not included in the limit held on the card" (pg. 20, lines 25-56). At anytime the player is allowed access to their account through an E-Cash Application for smart cards that allows them to change account features like the cash value and confirm information on

Art Unit: 3714

the card like authorization requirements and gambling restrictions on a computer system or in person (pg. 35, lines 1-24). Therefore the prior art inherently incorporates the ability to inquire about the player's account at a wagering terminal found in the gambling establishment or on the player's home computer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donald et al. (WO 01/63439 A1) in view of one of ordinary skill in the art.

7. Donald discloses several databases containing important information used to confirm a person's identity and restrictions on gambling. However Donald fails to disclose storing backup versions of these databases on a computer readable medium. Therefore it would have been obvious to one of ordinary skill to backup the databases when running the system disclosed by Donald to prevent the lose of confidential information and revenue since a shutdown of the system would occur.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian E Rendón
Examiner
Art Unit 3714

CER

Ronald Anes
Primary Examiner
5/16/07